



08-12-05

DAC
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10/826,139

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ann Seltzer et al. Examiner: Not Yet Assigned
Serial No.: 10/826,139 Group Art Unit: 2131
Filed: April 15, 2004 Docket No.: 50037.242US01
Title: DISPLAYING A SECURITY ELEMENT WITH A BROWSER WINDOW

CERTIFICATE UNDER 37 CFR 1.10

'Express Mail' mailing label number: EV 704323819 us

Date of Deposit: August 11, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service 'Express Mail Post Office To Addressee' service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop DAC, Commissioner for Patents, Alexandria, VA 22313-1450

By: 

Name: Tracy Gutscher

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a)

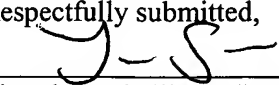
Mail Stop DAC
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a Request for Reconsideration of Petition Under 37 CFR 1.47(a). On December 17, 2004, a Petition was filed in accordance with 37 C.F.R. §1.47(a), wherein Applicants Steve Dirickson, Roland Tokumi, and Roberto A. Franco, hereby requested that the Declaration filed in the above-referenced application be accepted on behalf of nonsigning inventor, Ann M. Seltzer, last known address, 302 Sudden Valley, Bellingham, Washington 98229 (or P.O. Box 61340, Seattle, Washington 98141-6340). Ms. Seltzer has refused or is unavailable to sign the Declaration and diligent efforts, described in the accompanying Statement of Facts, have been made to contact Ms. Seltzer. Accordingly, Applicants request that the Declaration filed on December 17, 2004, including a blank signature block for Ms. Seltzer with her last known address listed, be treated as having been signed on behalf of Ms. Seltzer by the signing inventors, as provided in MPEP §409.03(a).

Dated: 8-11-05

Respectfully submitted,


Timothy P. Sullivan, #47,981
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
206.342.6254

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S/10/826,139

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ann Seltzer et al. Examiner: Not Yet Assigned
Serial No.: 10/826,139 Group Art Unit: 2131
Filed: April 15, 2004 Docket No.: 50037.242US01
Title: DISPLAYING A SECURITY ELEMENT WITH A BROWSER WINDOW

CERTIFICATE UNDER 37 CFR 1.10 'Express Mail' mailing label number: EV 704323819 US Date of Deposit: August 11, 2005 I hereby certify that this correspondence is being deposited with the United States Postal Service 'Express Mail Post Office To Addressee' service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 By:  Name: Tracy Gutscher

STATEMENT OF FACTS IN SUPPORT OF REQUEST FOR RECONSIDERATION OF
PETITION UNDER 37 CFR 1.47(a)

Mail Stop DAC
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the nonsigning inventor for the above-identified patent application before deposit thereof in the Patent and Trademark Office.

This statement is being made by the available person having first-hand knowledge of the facts recited therein.

Identification of Person Making this Statement of Facts

Timothy P. Sullivan, Attorney/Agent for Microsoft Corporation, the assignee in the above-entitled application.

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Last Known Address of the Nonsigning Inventor

302 Sudden Valley, Bellingham, Washington 98229 (or P.O. Box 61340, Seattle Washington 98141-6340).

Details of Efforts Regarding Nonsigning Inventor

1. The last known address and phone number for Ann M. Seltzer is 10 Westbrook Court, Bellingham, Washington 98226, (or P.O. Box 61340, Seattle Washington 98141-6340) with a phone number of 360.920.6633.

2. In January 2005, a detailed effort to locate Ms. Seltzer began. During the effort the following occurred:

a. On January 18, 2005, Jenifer Weck, a secretary to Timothy B. Scull, an attorney in the Denver office of Merchant & Gould P.C. who is working a co-pending application for which Ann Seltzer is an inventor, e-mailed Microsoft Corporation Human Resources Department and requested Ann M. Seltzer's Social Security Number. Microsoft Corporation replied on January 19, 2005, with Ann M. Seltzer's Social Security Number, which was provided.

b. Ms. Weck performed numerous Internet searches trying to locate Ms. Seltzer. Using the Social Security Number, a search was performed that returned what appeared to be several potentially current addresses for Ms. Seltzer, including 302 Sudden Valley, Bellingham, WA 98229; 14 Westbrook CT, Bellingham, WA and 10 Westbrook CT, Bellingham, WA.

c. Tracy Gutscher, secretary to Timothy P. Sullivan, as well as Timothy B. Scull, an attorney in the Denver office of Merchant & Gould P.C., talked with the client, Microsoft Corporation, and understand that other attempts have been made by Microsoft Corporation, to contact Ann Seltzer, but they were unsuccessful.

d. On March 14, 2005, a letter enclosing the present application, drawings, Declaration and Power of Attorney, and Assignment was mailed via regular U.S. Mail and Certified Mail to the last known address of Ann M. Seltzer, 10 Westbrook Court,

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Bellingham, WA 98226, and also to her Post Office Box at P.O. Box 61340, Seattle, WA 98141-6340, requesting that she sign the Assignment and the Declaration and Power of Attorney and return same to this office. A copy of this letter is attached as "Exhibit A." To date, the signed documents have not been received. The return receipt card was signed by Ann Seltzer on March 22, 2005. A copy of the return receipt card is attached as "Exhibit B" which also provided the above P.O. Box for Ms. Seltzer.

e. On April 20, 2005, a letter enclosing the present application, drawings, Declaration and Power of Attorney, and Assignment was mailed by regular U.S. Mail and Certified Mail, Return Receipt Requested, to Ann M. Seltzer, 10 Westbrook Court, Bellingham, WA 98226 and also to her Post Office Box at P.O. Box 61340, Seattle, WA 98141-6340, requesting that she sign the Assignment and the Declaration and Power of Attorney and return same to this office. A copy of this letter is attached as "Exhibit C." To date, the signed documents have not been received.

3. Subsequently, Ms. Seltzer telephoned Timothy B. Scull of Merchant & Gould's Denver office, and left a voice mail message. On January 31, the Timothy B. Scull spoke with Ms. Seltzer regarding the present application. During this telephone call, Ms. Seltzer stated the following:

- a. She does not trust Microsoft.
- b. She is concerned about signing the documents for the following reasons:
 - (i) She will not sign without reading the documents and she needs three months or so to read the documents.
 - (ii) She will not sign without understanding what she is signing; she stated that she may get legal counsel to help her understand the documents.
- c. She does not have money for a lawyer now.
- d. She does not want to be considered "uncooperative."
- e. Although she does not want to be considered uncooperative, she would not give a date as to when she would complete her review.

4. On May 13, 2005, a letter was sent from Timothy B. Scull of Merchant & Gould's Denver Office concerning their application as well as the present application, to 302 Sudden Valley in Bellingham and to P.O. Box 61340 in Seattle by Certified Mail, Return Receipt Requested, to Ann M. Seltzer. A Copy of the letter and the Certified mail document is attached as "Exhibit D" requesting that she contact me immediately or we would consider her an uncooperative inventor. The return receipt card was signed by Ann Seltzer on May 19, 2005. A copy of the return receipt card is attached as "Exhibit E."

5. As of August 11, 2005, we have not received the signed documents from Ann Seltzer, nor any indication from her as to when we might be receiving them.

6. On August 11, 2005, the undersigned attempted to telephone Ann Seltzer at (360) 734-4527, but the number was disconnected. The undersigned also attempted to telephone Ms. Seltzer at (360) 920-6633, but was told there was no one there by that name.

7. At this point, because we have not heard from Ms. Seltzer, and given her stated distrust for Microsoft and her stated other reasons for not signing (i.e., needing time and money to hire a lawyer) we must deduce from her inaction, that Ann Seltzer cannot or is refusing to sign the necessary documents.

THEREFORE, we respectfully request that this Request for Reconsideration be granted, and that the Declaration filed on December 17, 2004, including a blank signature block for Ann Seltzer, be treated as having been signed on behalf of Ms. Seltzer by the signing inventors, as provided in MPEP § 409.03(a).

Dated: _____

8-11-05



Respectfully submitted,

A handwritten signature in black ink, appearing to be "T. Sullivan".

Timothy P. Sullivan, #47,981
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
206.342.6254

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Direct Contact

206.342.6254
tsullivan@merchant-gould.com

March 14, 2005

Ms. Ann Seltzer
P.O. Box 61340
Seattle, Washington 98141-6340

VIA CERTIFIED MAIL

and to:

Ms. Ann Seltzer
10 Westbrook Court
Bellingham, Washington 98226

Re: Title: DISPLAYING A SECURITY ELEMENT WITH A BROWSER WINDOW
Inventors: Ann Seltzer et al.
Serial No.: 10/826,139
Filing Date: April 15, 2004
MS Ref. No.: 307682.1
Our Ref.: 50037.242US01

Dear Ms. Seltzer:

Enclosed for your review and signature are a Declaration and Power of Attorney, as well as an Assignment document for the above-identified patent application. Also enclosed for your convenience is a copy of the Application and Drawings as filed. We have received a Notice to File Missing Parts for this application, and will need to file the signed formal documents no later than **April 11, 2005**. Once you have signed the documents, please return them in the attached envelope or fax them back to our office at **206.342.6201**.

Thank you for your assistance with this matter. If you have any questions, please feel free to contact our office.

Very truly yours,


Timothy P. Sullivan

TPS:tg

Enclosures:

As Noted

Minneapolis/St. Paul
Denver
Seattle
Atlanta
Washington, DC

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SENDER: COMPLETE THIS SECTION

- ☐ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- ☐ Print your name and address on the reverse so that we can return the card to you.
- ☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ann Seitzer
PO Box 14340
Seattle, WA 98141-1840

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

ANN SEITZER

B. Date of Delivery

3/22/05

C. Signature

X  ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes ☐ No
if YES, enter delivery address below:

3. Service Type

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☒ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

7000 11670 0005 1217 1070

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

Merchant & Gould

An Intellectual Property Law Firm

1950 Independence Plaza
1050 Seventeenth Street
Denver, Colorado
80265-0100 USA
TEL 303.357.1670
FAX 303.357.1671
www.merchant-gould.com

A Professional Corporation

Direct Contact

(303) 357-1648
tscull@merchant-gould.com

May 13, 2005

Ann M. Seltzer
302 Sudden Valley
Bellingham, WA 98226

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Ann M. Seltzer
P.O. Box 61340
Seattle, WA 98141-6340

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Re: U.S. Patent Application for PRESERVING BROWSER WINDOW INTEGRITY
MS 307683.01
M&G 40062.0237US01
U.S. Patent Application for DISPLAYING A SECURITY ELEMENT WITH A
BROWSER WINDOW
MS 307682.01
M&G 50037.0242US01

Dear Ms. Seltzer:

As you will recall, we discussed your patent application on January 31, 2005. During that telephone call, you mentioned that you thought it would take you three or so months to read the patent applications and sign the relevant declaration and assignment documents. You also mentioned that one reason you needed this extended period of time was that you might get your own lawyer to help you and that you didn't have the money at the time pay for the lawyer. You mentioned that you thought you should have your own lawyer in part because you did not trust Microsoft.

We are well into our fourth month since we talked (and almost three months have gone by since you picked up our last certified mail package) and I have not heard from you. I tried to call you, but the phone number I had for you has been disconnected. As each month goes by, my client incurs more legal fees and costs in waiting for you to complete your review. In fact, we have a hard deadline at the end of this month (May 30, 2005) that we must file your signed documents or proceed with other options.

Based on the facts that (a) I have not heard from you (or an attorney-representative), and (b) you expressed distrust for Microsoft, I have concluded that you refuse to sign the

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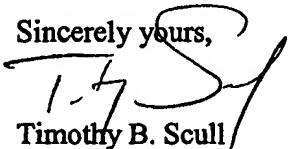
May 13, 2005

Page 2

documents. Unless I hear from you immediately, I plan to file the required documents with the U.S. Patent Office indicating your refusal to sign.

It is also my understanding that you have received the second application listed above and that you have not signed the documents regarding that application either. If we don't hear from you, we will also file the necessary documents in that application.

Sincerely yours,


Timothy B. Scull

TBS/jw

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SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>1. Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>2. Print your name and address on the reverse so that we can return the card to you.</p> <p>3. Attach this card to the back of the mailpiece or on the front if space permits.</p> <p>4. Article Address</p> <p><i>Ann M. Holtz</i> <i>P.O. Box 61348</i> <i>Seattle, WA 98141-6348</i></p>		<p>5. Signature</p> <p><i>Ann M. Holtz</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>6. Received by (Printed Name)</p> <p><i>ANN M. HOLTZ</i></p> <p>7. Date of Delivery</p> <p><i>12/18/03</i></p> <p>8. Is delivery address different from item 4? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, enter delivery address below:</p>	
<p>2. Article Trans</p> <p>PS Form</p>		<p>9. Service (Check one)</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered Mail <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Signature Required</p> <p>10. Restricted Delivery (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	

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